

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PAUL REISER,

Plaintiff,

V.

CENTRAL FUNERAL HOME OF NEW
JERSEY, INC. et al.,

Defendants.

Civil Action No. 20-9407 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on Plaintiff's motion for default judgment as to Defendants Central Funeral Home of New Jersey, Inc., Blackley Funeral Home & Cremation Service, Inc., and Mi K. Ha. For the reasons that follow, the motion will be denied.

A grant of default judgment requires proof of proper service. Petrucelli v. Bohringer & Ratzinger, 46 F.3d 1298, 1304 (3d Cir. 1995) (“We note that if a default judgment had been entered when there had not been proper service, the judgment is, *a fortiori*, void, and should be vacated.”) This Court does not have before it sufficient proof of proper service. Plaintiff filed a proof of service for each Defendant which states that each Defendant was served at the business address of the funeral home Defendants by leaving a copy with “Aracelis Deville,” who, the proof of service states, was “authorized to accept service.” This is insufficient to establish that this qualifies as proper service. Plaintiff has not provided the Court with any evidence which supports the claim that the recipient was authorized to accept service for every Defendant, within the meaning of Federal Rule of Civil Procedure 4(e)(2)(c). The process

server's form asks the process server to state the receiving person's relationship or title, but no information is given.

Because this Court has insufficient information to find that the Defendants were served in accordance with the requirements of Rule 4, the motion for default judgment will be denied.

For these reasons,

IT IS on this 21st day of December, 2020,

ORDERED that Plaintiff's motion for entry of default judgment (Docket Entry No. 6) is **DENIED**.

s/ Stanley R. Chesler
Stanley R. Chesler
United States District judge